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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2004 JUL 29 A 10:40

DOCKETED

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

JUL 29 2004

DOCKETED BY

[Signature]

IN THE MATTER OF THE PETITION OF DIECA
COMMUNICATIONS, INC. dba COVAD
COMMUNICATIONS COMPANY FOR
ARBITRATION OF AN INTERCONNECTION
AGREEMENT WITH QWEST CORPORATION.

DOCKET NO. T-03632A-04-0425
T-01051B-04-0425

PROCEDURAL ORDER

BY THE COMMISSION:

On June 8, 2004, DIECA Communications, Inc., dba Covad Communications Company ("Covad") filed with the Arizona Corporation Commission ("Commission") a Petition for Arbitration ("Petition") of a proposed interconnection agreement with Qwest Corporation ("Qwest") pursuant to A.A.C. R14-2-1505 and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the Act").

On July 15, 2004, Michael W. Patten filed a Motion for Pro Hac Vice Admission of Karen Shoresman Frame on behalf of Covad. Attached to the Motion was the application for admission pro hac vice filed with the State Bar of Arizona, pursuant to Rule 33(d) of the Arizona Supreme Court.

On July 21, 2004, Qwest filed a Motion to Dismiss Portions of Covad's Petition for Arbitration. Qwest's Motion requests a Commission Order dismissing Issue 2 in Part G of Covad's Petition, to the extent Covad seeks Commission authority to: require Qwest to provide unbundled network elements ("UNEs") pursuant to Section 271 of the Act; set UNE rates that Qwest provides under Section 271; or require Qwest to provide UNEs under state law in a manner that conflicts with the access ordered by the Federal Communications Commission in its Triennial Review Order.¹

On July 26, 2004, Covad filed a Request for Procedural Conference. Covad's Motion states that counsel for Qwest agrees that a procedural conference would be appropriate to discuss the timing and conduct of this arbitration proceeding.

¹ Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, 18 FCC Rcd. 16978 (2003), *aff'd in part and rev'd and vacated in part*, United States Telecom Association v. FCC, 359 F.3d 554 (D.C. Cir. 2004).

1 IT IS THEREFORE ORDERED that a Procedural Conference shall be scheduled for August
2 6, 2004, at 10:00 a.m., at the offices of the Commission, 1200 West Washington, Phoenix, Arizona
3 85007. Parties may participate telephonically by calling (602) 542-9003 at the designated time.

4 IT IS FURTHER ORDERED that Karen Shoresman Frame shall be admitted pro hac vice to
5 represent Covad in this matter.

6 IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the
7 Rules of the Arizona Supreme Court with respect to practice of law and admission pro hac vice.

8 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
9 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
10 Arizona Supreme Court). Representation before the Commission includes the obligation to appear at
11 all hearings and procedural conferences, as well as all Open Meetings for which the matter is
12 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
13 Administrative Law Judge or the Commission.

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend or
15 waive any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

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17 DATED this 29th day of July, 2004

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20 DWIGHT D. NODES
21 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

22 The foregoing was mailed/delivered
23 this 29 day of July, 2004 to:

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